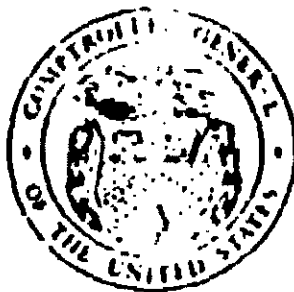


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DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-193727

DATE: March 25, 1982

MATTER OF: Y.W. & T. Metal Corporation -
Reconsideration

DIGEST:

Since review of record shows the proper charges for unauthorized services rendered to be \$24,830.64, carrier which performed services without I.C.C. operating authority may be paid that amount on the basis of quantum meruit rather than the amount of \$14,044.14 as held in our prior decision.

Y.W. & T. Metal Corporation (Y.W. & T.) has, in effect, requested reconsideration of our decision of May 18, 1979, B-193727, sustained by our decision of November 21, 1979, B-193727. Y.W. & T. now claims \$24,830.64 for transportation services rendered.

In our decision of May 18, we held that a transportation contract with Y.W. & T. for the movement of Government property from California to Arizona was contrary to the Interstate Commerce Act, 49 U.S.C. § 10101, et seq. (Supp. III, 1979), and illegal, since Y.W. & T. was not authorized by the Interstate Commerce Commission (I.C.C.) to transport property in interstate commerce. This part of the decision was sustained on reconsideration by our decision of November 21, 1979.

We also held, based on the evidence before our Office, that Y.W. & T. could recover on the basis of quantum meruit the amount of \$14,044.17.

A review of the record discloses a copy of a letter of October 4, 1978, to Y.W. & T., showing that the Transportation and Audit Division of the General Services Administration determined that the usual or going charges of other duly authorized carriers for services similar to the services performed by Y.W. & T. are \$24,830.64. This figure is based on Heavy and Specialized Carriers Bureau Tariff Number 100F, MF-I.C.C. Number 36.

Therefore, if Y.W. & T. will present a properly certified Public Voucher For Transportation Charges, SF-1113, supported by the original U.S. Government Freight Waybill, SF 1105, certified as required by 41 C.F.R. § 101-41.307.1 (1980), to the Director, Administration and Management, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 614, Arlington, Virginia 22203, it may be certified for payment of \$24,830.64, if otherwise correct. Our decision of May 18, 1979, B-193727, is modified accordingly.

for *Milton F. Arosler*
Comptroller General
of the United States